

U.S. Application No.: 10/034,097
Amendment Under 37 C.F.R. §1.111 dated August 6, 2004
Response to the Office Action of April 7, 2004

REMARKS

Claims 1 - 4 are pending in the present application. The rejections set forth in the Office Action are respectfully traversed below.

Rejections Under 35 U.S.C. §103

Claims 1 – 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over **Kielma** (USP 4,306,350) in view of **Yasuda** (USP 5,134,767). However, it is submitted that nothing in the prior art, either alone or in combination, teaches or suggests all the features recited in the present claimed invention.

The Applicants appreciated the Examiners' Interview on July 14, 2004. Following the Examiners' suggestions at the Interview, the claims were amended to clarify features of the present invention that distinguish over the prior art.

For instance, independent claims 1 and 3 were amended to recite the preliminary pivoting of both the spindle tool holder and the standby tool holder of the changer arm to an intermediate position before the tool changing position while the main spindle is moving toward the tool changing position. Neither **Kielma** nor **Yasuda**, either alone or in combination, teaches or suggests at least these features.

The changer arms 96A and 96B of **Kielma** are either in the standby position (vertical) or tool changing position (horizontal). There is no preliminary pivoting from the standby position to any intermediate position before the tool changing position. In addition, there is no movement

U.S. Application No.: 10/034,097
Amendment Under 37 C.F.R. §1.111 dated August 6, 2004
Response to the Office Action of April 7, 2004

of the changer arm in **Kielma** *while* the main spindle is moving to a tool changing position (as acknowledged in the Office Action).

In **Yasuda**, the tool magazine 66 is not moving at all while the main spindle is moving. Therefore, there is no simultaneous movement of both a spindle tool changer and a standby tool holder while the main spindle is moving towards the tool changing position. Moreover, **Yasuda** does not teach or suggest moving *both* the spindle tool holder and the standby tool holder *to an intermediate position*.

Furthermore, claims 2 and 4 were amended to clarify the intermediate position at two different predetermined angles depending on where the main spindle starts its movement towards the tool changing position. If the main spindle starts moving from a first area (e.g., Area A, see Fig. 2), the changer arm preliminarily pivots by a first predetermined angle (e.g., θ_1) to the intermediate position before the tool changing position. If the main spindle starts moving from a second area (e.g., Area B) that is closer to the spindle tool holder (e.g., 2a), the changer arm preliminarily pivots by a second predetermined angle (e.g., θ_2) that is smaller than the first predetermined angle to the intermediate position. Nothing in the cited prior art even addresses these different preliminary pivots that depend on a starting position of the main spindle.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Application No.: 10/034,097
Amendment Under 37 C.F.R. §1.111 dated August 6, 2004
Response to the Office Action of April 7, 2004

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



John P. Kong
Attorney for Applicant
Registration No. 40,054

JPK:kal
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100
Enclosure: Petition for Extension of Time and Fee